

MINUTES
BERRYVILLE TOWN COUNCIL
BUDGET AND FINANCE COMMITTEE
Berryville-Clarke County Government Center
Called Meeting
December 15, 2016
10:00 a.m.

Committee members: Present- Erecka Gibson, Chair; Patricia Dickinson

Staff: Keith Dalton, Town Manager; Desiree Moreland, Asst. Town Manager/Treasurer

Others: Harry Lee Arnold Jr.; Marilyn Pierce

Press: Cathy Kuehner, Winchester Star

1. Call to Order

Chair Gibson called the meeting to order at 10:00 a.m.

2. Discussion – Mapping of Internal Controls RFP Review

Chair Gibson said the committee needed to finalize review criteria for the Mapping Request for Proposals. The committee discussed the specifics of the review criteria and developed weighting for each review item. **Upon motion of Ms. Dickinson, seconded by Chair Gibson, the committee unanimously approved the attached Evaluation Criteria Review Sheet.**

The committee then agreed to the following schedule for RFP review:

- 12/15/16 to 1/8/17 each member review and evaluate submissions.
- 1/9/17 deadline for submission of valuations to the Town Clerk
- Staff calculates results of evaluations
- 1/10/17 staff provides results of evaluation to review Committee (Chair Gibson, Ms. Dickinson, and Mr. Dalton) and schedules interviews with top three firms with tentative interview dates being 1/24/17 & 1/31/17 from 9:00 a.m. noon (45 minute slots provided)

With the evaluation criteria and review process agreed upon, Mr. Dalton provided packets containing the eight submissions received from the RFP. He noted that the packet contained a spreadsheet prepared by the Town Clerk that contained the results of her review of the proposals as it relates to mandatory elements.

3. Adjourn

The committee adjourned at 10:32 a.m.

RFP # FIN-2017-001 Mapping of Internal Controls

Firm Name: _____ Reviewer: _____

Date: _____ Total Points: _____

Evaluation Criteria

Mandatory Elements

- | | Y | N |
|--|--------------------------|--------------------------|
| a. The audit firm is independent and licensed to practice in Virginia. | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The audit firm's professional personnel have received adequate continuing professional education within the preceding two years. | <input type="checkbox"/> | <input type="checkbox"/> |
| c. The firm has no conflict of interest with regard to any other work performed by the firm for the Town. | <input type="checkbox"/> | <input type="checkbox"/> |
| d. The firm submits a copy of it's most recent external quality control review report and the firm has a record of quality audit work. | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The firm adheres to the instructions in the request for proposals on preparing and submitting the proposal. | <input type="checkbox"/> | <input type="checkbox"/> |

Evaluation Criteria	Score	Low	→	→	High	X	Weighted Score
		0	1	2	3		
a. The specific plans or methodology to be used in performing the mapping of internal controls (i.e., the approach).		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	0.25 _____
b. The skill, experience and training of the specified persons who will be performing the services requested.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	0.25 _____
c. The prior experience and reputation of the Auditor in auditing Local Governments, and demonstrated experience auditing within the Virginia's APA requirements.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	0.30 _____
d. References from other local governments or clients.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	0.05 _____
e. Stated ability to complete the mapping and submit the recommendations by the deadline.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	0.15 _____
TOTAL							_____

MINUTES
BERRYVILLE TOWN COUNCIL & CLARKE COUNTY BOARD OF SUPERVISORS
Berryville-Clarke County Government Center
Joint Meeting
December 13, 2016
6:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Allen Kitselman; Erecka Gibson; David Tollett; Absent-None

Clarke County Board of Supervisors: Present- Barbara Byrd; Terri Catlett; Mary Daniel; David Weiss, Chair; Absent- Bev McKay

Staff: Keith Dalton, Town Manager; Christy Dunkle, Town Planner; Ann Phillips, Town Clerk; David Ash, County Administrator; Brandon Stidham, County Planning Director; Lora Walburn, Deputy Clerk of the Board

Press: Cathy Kuehner, Winchester Star

1. Call to Order

Mayor Dickinson called the Town Council meeting to order at 6:30 p.m.

Chair Weiss called the County Board of Supervisors meeting to order at 6:30 p.m.

Chair Weiss recognized Town Treasurer Desiree Moreland's 40 years of service and thanked her for her dedication to the community.

2. Discussion – Berryville Area Plan

Chair Weiss said the County recognizes Berryville as an independent Town with its own elected officials. He said the two bodies have had a good partnership and need to work together, and the County wished to discuss the process for amending the Berryville Area Plan. He said the Berryville Area Plan had been studied and updated last spring, and the County understood that a new process for amending the plan had been laid out during the revision allowing it to be updated annually. He said that the County had expected the process to be followed, and the Board now wished to hear the rationale for the way in which the Town voted to change the plan the way the Town did, and what it means for the future of the Town and County relationship.

Supervisor Byrd asked what exactly the Town was proposing by making the changes. Mayor Dickinson inquired as to whether this pertained to the decision made on the senior apartments. Supervisor Catlett said the issue was the process used for making changes.

Council member McDonald said her concern was prolonging the senior housing project, saying there are so many rules and hoops to jump through.

Supervisor Byrd inquired if the intention is to move forward faster than what is in the Berryville Area Plan, and Council member McDonald responded that is her intention for some projects that have been in the works for a long time and have been delayed.

Chair Weiss referred the members to Section IV-3 of the Berryville Area Plan (page 84) which lays out the process for plan amendment by citizens/stake holders. He said the Board would have preferred that the Council wait until June 1 to submit changes to the plan. He said the amendment process had been set up and could be viewed as a delay, but it could also be viewed as a protection for the Town, the County, and the applicant against arbitrary and capricious decisions. He said the Plan protects the bodies from legal scrutiny, saying his concern is legal challenge.

Mayor Dickinson said the sequence of events is counter intuitive to the election cycle. She said the system is designed to not allow the newly elected members of Council to take action for another year. She said she thinks this is wrong. She stated the Town could have waited.

Supervisor Daniel said the strength of the plan is that it is disassociated with the election cycle. She said the provisions for amending the Berryville Area Plan were just added during the latest revision.

Supervisor Catlett said that elections are every four years, but the Plan allows updates annually.

Supervisor Byrd said good planning should not be ruled by politics, but is for the whole community for the future.

Recorder Arnold said that there must be policy and a process, and officials must respect the process. He added that delays are not always the government's fault.

Supervisor Daniel noted that other jurisdictions spend time voting on exceptions to their plans, indicating that leads to a less desirable outcome.

Council member McDonald said she had been upset by remarks about the Town and County not getting along. Chair Weiss said the County respects the Town and that is why the Board wanted to meet, saying that neither locality thrives without the other.

Mayor Dickinson said the vote on the senior housing project was not a huge deviation and called it a minor course correction. She said all that was done was adding more apartments and reducing the number of single family units.

Supervisor Catlett asked about the Town's plans for the process moving forward.

Mayor Dickinson said she does not have plans for development. Council member McDonald said she understands that the County would prefer that the Town discuss future changes. Mayor Dickinson said that the BADA serves that purpose.

Chair Weiss said if each of the bodies makes changes to the plan, it will lead to chaos. He said it could hurt the relationship, hurt the planning, and open the localities to legal problems.

Supervisor Byrd noted there are 195 dwelling units left for Berryville and 678 acres could be added. She said there must be good cooperation between the bodies, and noted the Berryville Area Plan is professionally done, easy to read, and is a wonderful document giving the pathway for future development. She said without this important document, the County could end up looking like less desirable jurisdictions. She said Clarke County is different, but if the wrong path is taken, things will go sour.

Council member Kitselman said he was disappointed in the Council vote where the recommendations of the BADA and the Planning Commission were disregarded. He said a lot of work had gone into the updated Berryville Area Plan, and he hopes the Council works together in the future instead of listening to other influences.

Supervisor Byrd said that the County has a reputation for taking its time and doing its homework and doesn't rush in where angels fear to tread.

Chair Weiss said the issue is one of partnership and concern for the future. He said there are development pressures, and if others see differences between the bodies or places where the process was not followed, they may have an opportunity to bring unwanted pressure on the community. He added that if the current methodologies are not agreed on, the bodies should find one. He said that consistency is very important for new elected officials.

Mayor Dickinson said senior housing was a big issue which changed the election, and the newly elected Council members had requested changes in the plan that did not get added before the plan was adopted.

Supervisor Byrd said newly elected officials need to take time learning their territory, and can't come in without knowing the whole playing field, because that is how misconceptions come up. She said there are a lot of unhappy people in Berryville.

Supervisor Daniel said when the County and the Town work together, the result is more than doubly good. She said she would have spoken to Council members had she known the vote on this issue was coming.

Chair Weiss said the Board was aware of the issue being in front of Council, but as Council member Kitselman said, the advising agencies had recommended against changing the plan.

Mayor Dickinson said having been in project management, the planning is everything and the plan is nothing. She said adjustments have to be made to the plan to fit the reality of the situation, and she said the reality was that people in Berryville wanted these apartments.

Council member Kitselman said the opposite is true in government, and that the plan is everything. He said this plan had just been redone to allow for changes. He said the County and the Town have always worked well together, and he wants that to continue in the future.

Supervisor Byrd said communication is very important, and the two bodies need to know what the other is thinking in order to do good planning. She said there had been a time when the Town and County governments did not get along so well, but that had been worked out and now the cooperation between the two governments is very positive. She noted the Government Center building as the crowning achievement of the relationship.

Council member Tollett said he had waited six years to see the senior housing project approved. He said he thinks there are people on the governing bodies and the planning commission who don't like senior housing. He added that the project is in his ward and he is in favor of senior housing. He suggested that

the members of the bodies visit Mary Hardesty House and tell the residents that the County and Town don't want any more senior residents here.

Chair Weiss stated that he is not saying that he does not want any more senior residents. Council member Tollett said the two issues cannot be separated. Chair Weiss said the two issues must be separated. He referred to the Mayor's statement that the process takes too long, and said he respects that opinion, but if the governing bodies don't wait the appropriate time that was created in the plans being used, the localities are self-destructing. He said six months is not the reason to un-do the plan.

Council member Tollett asked where the six month guarantee is located. Chair Weiss referenced the Berryville Area Plan, and said the proper democratic process should be followed. Council member Tollett said he thinks there are members of the bodies who cannot separate the project from the petitioner and will not vote for anything with which the petitioner is involved. Chair Weiss said the end result of waiting six months and having the same outcome would have allowed the Town to stay within the framework that had been laid out, would have been more consistent, and would be more legally defensible in the future. He said his basic point is that the senior housing project could have been approved by staying within the framework.

Council member Tollett said there was a builder interested in the project last year who pulled out because the numbers of multi-family units in the Berryville Area Plan were not revised upwards. Chair Weiss said that is how representative government works. He said Council member Tollett had previously been on the losing side, but now was on the winning side.

Supervisor Daniel said that what she was hearing from Town Council members was not disregard for the plan, but that one project provided a sense of urgency leading some Council members to view the vote they made as a minor change of little consequence.

Supervisor Byrd questioned the rush for one particular project without thinking of the future and other areas that could be affected.

Recorder Arnold said that a 60 unit project was approved twice without the applicant finding funding, and now there is a rush to approve the 120 units. He said other builders would have had the 60 units built, adding that the Council does support senior housing, and has done so in the past.

Supervisor Byrd said trust and confidence need to be put in the appointed planning commissions and staff who have the experience and superior knowledge. She said these people are trained and their opinions should be respected.

Council member Kitselman said he takes exception to the characterization that the applicant was the reason the project had been denied. He said the Council is very fair, and sometimes an applicant can't follow the rules, adding that the rules are important. Supervisor Byrd agreed saying otherwise, the localities wind up in court.

Council member McDonald asked what the County wants to see in the Town and the County. Supervisor Byrd referenced Berryville Main Street's recent efforts. She said she wants to see Berryville be a better special place.

Chair Weiss said both bodies are in agreement that bringing in businesses and assisting with economic development are desired. He said the Town and County are not far apart in their goals. He added that if the Town wants to go in a different direction, the County wants to work with the Town discuss the process. He said if the plan process is not followed, the governing bodies will become lost. He said the reason for annual update mechanism was specifically included because the development community could not wait five years between plan reviews. He said he is passionate about the issue, that the plan process matters, and that the County Board wants to work with the Town and be part of the conversation.

Council member McDonald said that when allowing housing developments, the localities must prepare for the added growth.

Supervisor Byrd said the localities need to work together for the betterment of the whole area. Supervisor Catlett said most people who live here have a passion for the area. Supervisor Byrd said the Berryville Area Plan is the road map, and when the localities don't follow the map they get lost.

Council member Gibson said she had attended the meeting to listen.

Chair Weiss said the Board appreciated the opportunity to meet with the Town Council.

3. Adjourn

The Clarke County Board of Supervisors and the Council of the Town of Berryville adjourned at 7:25 pm.

Harry Lee Arnold, Jr., Recorder

Ann W. Phillips, Town Clerk

MINUTES
BERRYVILLE TOWN COUNCIL
Berryville-Clarke County Government Center
Regular Meeting
December 13, 2016
7:30 p.m.

Town Council: Present-Patricia Dickinson, Mayor; Harry Lee Arnold, Jr., Recorder; Donna Marie McDonald; Allen Kitselman; Erecka Gibson; David Tollett
Staff: Keith Dalton, Town Manager; Christy Dunkle, Assistant Town Manager/Planner; Desiree Moreland, Assistant Town Manager/Finance; Neal White, Chief of Police; Ann Phillips, Town Clerk; David Tyrrell, Director of Utilities
Press: Cathy Kuehner

1. Call to Order

Mayor Dickinson called the meeting to order at 7:37 p.m.

2. Pledge of Allegiance

3. Approval of Agenda

On motion of Council member Tollett, seconded by Council member Gibson, the agenda was approved unanimously.

4. Public Hearing

A.C. Echols, Trustee, is requesting Proffer Amendments to revise Proffers approved August 9, 2009 in order to increase the number of senior multifamily from 60 units to 120 units on an +/- 11 acre parcel identified as Tax Map Parcel number 14-5-251B zoned OPR Older Person Residential

Ms. Dunkle read the public hearing notice. The public hearing speakers were as follows:

The applicant, Alton Echols, said the request was self-explanatory regarding amending the proffers for 120 units rather than the original 60 units and removing the reversion from OPR zoning to Business and DR-4 zoning.

Town resident Jill Butler said the 120 units proposed by the applicant are out of scale for a small town and would be warehousing of seniors. She said the development also would increase demand for tax payer funded services like roads, water and sewer, and EMS. She said the development will ruin the small town, quiet lifestyle. Ms. Butler added that housing such as the proposed multi-floor development leads to isolation of the residents which in turn magnifies health problems such as dementia. She noted her own mother's experience saying that one-level living is preferred and allows more interaction with neighbors. She told the Council that making exceptions to zoning requirements sets a precedent that other developers will expect.

Robina Rich Bouffault said the one-time proffer of \$150,000 does not begin to cover the costs to the Town once the proposed project is completed. She referenced the developer's study showing that the majority of the new residents will be from Loudoun County where the median income is far greater than Clarke County's. She said this allows the developer to claim substantial tax credits while charging more rent than would be affordable for Clarke's own needy seniors. Ms. Bouffault noted there will be increased demand for services with the main burden falling on local Social Services and the Town's fire and rescue squad. She asked why the recommendations of the Planning Commission had been ignored and why the Berryville Area Plan had been brushed aside. Ms. Bouffault said the new members of Council ran on a platform of decreased taxation for the Town, but that thus far the decisions being made appear to be destined to increase the taxes. She cited Section 15.2-1102 of the Code of Virginia concerning the Powers of Cities and Towns and quoted, "The exercise of powers conferred under this section is specifically limited to the area within the corporate limits of the municipality." She said as a County taxpayer, she hoped it was not the intention to transfer the added Town costs to the County taxpayers, and concluded by saying it would be in everyone's best interest if Council would reverse the ill-considered decision to unilaterally amend its OPR ordinance in violation of the Berryville Area Plan.

The public hearing was closed.

5. Approval of Minutes

The minutes of the Town Council meeting on November 8, 2016 were approved unanimously on a motion by Council member McDonald, seconded by Council member Gibson.

6. Citizens' Forum

Mr. Dalton noted the change on the sign-up sheet, saying speakers will now indicate whether or not he or she is a town resident, but will no longer be required to state a home address.

The speakers were as follows:

Sandy Sowada, Town resident, said she supports the efforts of the Mayor to help the Town. She said last month, two experienced Council members had offered to serve on committees, and ignoring their willingness to serve seems shortsighted. She said she respectfully requested the Mayor to allow Council member Kitselman and Recorder Arnold on the committees on which they offered to serve.

Allan McWilliams, Town resident, said the Council had listened to concerns in the joint County Town meeting held immediately before the current meeting. He said the County concerns are valid and should be given serious consideration. He said the two bodies need to plan cooperatively, or the beautiful community will no longer exist. Mr. McWilliams said the Council should step back and consider what it had done in October and work to correct the poorly conceived effort. He said the Council should reject the proffer amendment. He said the Council should meet with the Board of Supervisors before finalizing a decision on the senior housing project in order to plan jointly with the County. He urged the Council to make correct decisions and work with the County. He said in 2009 he attended his last VML conference where there was a session on Town and County relations. He said when he discussed the Berryville and Clarke County's annexation agreement, the formation of the BADA, and the construction of the Berryville-Clarke County government center, the other attendees were amazed. He said Berryville and Clarke County are known throughout the state for the level of cooperation, and he hates to see that destroyed.

Mary Veilleux, Town resident, who said she is sorry to attend meetings that are contentious. She offered suggestions for how Council members could get along. She referenced Recorder Arnold's request to be appointed to the Budget and Finance Committee and said the Mayor had been elected because citizens have lost confidence in the budget process. She said the members of the budget and finance committee should be above the suspicion of impropriety, and Mr. Arnold has a close relationship with three major budget items: the contributions to the County in support of Enders, the funding of Berryville Main Street, and the goods and services he sells to the Town. She said she would suggest that the Mayor appoint members who do not share these conflicts of interest.

Nathan Stalvey, of the Clarke County Historical Association and representing Berryville Main Street, highlighted recent activities of Berryville Main Street including the parking meter contest and the Holiday Homes Tour. He said only six of the Virginia Main Street communities have lasted as long as Berryville's.

Alton Echols, Town resident, presented a revised water and sewer fee schedule with suggested changes. He said he will be appearing at the Streets and Utilities Committee to discuss the issue.

7. Report of Patricia Dickinson, Mayor

The Mayor thanked the Berryville Main Street for the tree lighting ceremony, and Donna Peake for her efforts with the Christmas Parade.

Mayor Dickinson noted that the Northern Shenandoah Valley Regional Commission has announced a fee structure change.

Mayor Dickinson said she wished to clarify comments from the last meeting. In reference to meeting with individual members of Council, she said she received confirmation from the Virginia Freedom of Information Advisory Council that such a meeting would not be a violation of the Freedom of Information Act. She invited members of Council to meet with her to discuss committee appointments. She said it had also been stated that a consensus of Council was required before a member could seek legal guidance on a Town matter. She said she received confirmation from both Mr. Mitchell and the Virginia Ethics Council that this is not the case. She said that this resource should not be denied to any member of Council as long as the members are judicious in using the services.

8. Report of Harry Lee Arnold, Jr, Recorder

Recorder Arnold thanked Donna Peake for her work with the Christmas Parade. He noted that several years ago the Parade was in danger of being cancelled for lack of insurance, and Berryville Main Street stepped in and continues to provide the insurance for this activity.

Recorder Arnold thanked Elizabeth Mock for her work on the Small Business Saturday event saying it had been a big success for Berryville.

Recorder Arnold said he would like to see some study on the topic of nursing homes and assisted care facilities. He suggested the Planning Commission look at numbers, whether the Town could support additional units, existing zoning and current service levels.

9. Report of Christy Dunkle, Asst. Town Manager for Community Development

Ms. Dunkle noted the earlier public hearing, and the Mayor said the issue could be addressed next month.

Ms. Dunkle noted two action items for setting public hearings. She said the first is for a special use permit at 37 East Main Street for a veterinary hospital. She said the second one is for a text amendment to modify parking requirements for "restaurant, fast food." By consensus, the Council set public hearings for these two items for January 10, 2017.

Ms. Dunkle introduced the Safe Routes to School item saying the Swan Avenue sidewalk project has been split into two phases. The Mayor noted that if the project is not approved, the Town would have to repay approximately \$40,000 to the state. She questioned the wording of the motion in regard to seeking funding from the school board saying they have voted no on the issue twice. Ms. Dunkle said that school board support had occurred since the project began and that she was optimistic the school board would assist with the remaining financial need.

Council member McDonald asked for more information on the issue, and Ms. Dunkle and Mr. Dalton provided background and explained the progress of the sidewalk project. Council member McDonald asked if there had ever been any consideration to rebuilding the sidewalk on the street to VDOT specs. Ms. Dunkle said that had been considered, but would have cost more and caused storm water management issues.

There was discussion of Swan Avenue and Lincoln Avenue as access points to the middle school.

Council member Kitselman moved that the Council of the Town of Berryville accept the low bid for Phase I of the Johnson-Williams Middle School Safe Routes to School Infrastructure project using money from the General Contingency fund to cover the overage and seek funding from the Clarke County School Board to assist with the overage. Recorder Arnold seconded the motion which carried as follows:

Aye: Kitselman, Gibson, Tollett, Arnold, Dickinson
Nay: None
Absent: None
Abstain: McDonald

Council member Kitselman moved that the Council of Berryville finalize the approved Revenue Sharing application and enter into an agreement with the Clarke County Public Schools in order to fund the installation of two flashing pedestrian lights at the crosswalk located at US 340 and Swan Avenue. Recorder Arnold seconded the motion. There was discussion of the flashing light project. Ms. Dunkle noted the costs included are about one year old and may change. She said the next step will be working with the schools. Mr. Dalton explained that revenue sharing is a 50-50 cost split between the state and the locality. Council member McDonald asked if the flashing light is also part of the Safe Routes to School project, and Ms. Dunkle said it had been identified under that effort.

The motion carried as follows:

Aye: Kitselman, Gibson, Tollett, Arnold, Dickinson
Nay: None
Absent: None
Abstain: McDonald

10. Report of Keith Dalton, Town Manager

Mr. Dalton recognized Desiree Moreland's service to the Town on the occasion of her having been employed with the Town for 40 years.

11. Report of H. Allen Kitselman, III – Berryville Area Development Authority Liaison

Council member Kitselman said the BADA had met and had a public hearing on the Meridian assisted living project. He said they set a public hearing for the McDonalds for January 4.

Mayor Dickinson asked what control the Town has over how the McDonalds will look. Mr. Kitselman replied that the BADA has control of the access corridor, and Mr. Dalton said the BADA is responsible for architectural review of elevations.

12. Report of Erecka Gibson - Chair, Budget and Finance Committee

The minutes of the November 22 meeting were approved. Ms. Gibson said the Committee will meet on December 15 at 10:00 am.

Mr. Dalton asked Utilities Director Dave Tyrrell to provide the background on the waste water treatment plant membrane pre-purchase. Mr. Dalton explained the Council had been saving and planning for this expense. Mr. Tyrrell gave background information on the membranes and the pre-purchase agreement.

In regard to the pre-purchase, Council member Gibson said she has asked staff for a summary analysis of cash flow which is an analysis of the affected accounts and the number of availability fees required to cover the cost of the membrane pre-purchase. She said a public hearing would be needed in January to amend the budget. Mr. Dalton said since a public hearing would need to be advertised, he requested that the Council add an amendment to increase the water line repair line item by \$70,000. He said the funds would be moved from a water line repair reserve. Mr. Dalton said this budget amendment would allow some planned work for fire protection to be funded, adding the Council would still approve the work before it began. He said the same budget amendment could address both items. By consensus, the Council set a public hearing on a budget amendment for the January meeting. Council member Gibson said the summary analysis will be available before the next Council meeting.

13. Report of Donna McDonald - Chair, Community Improvements Committee

Council member McDonald said the Town Christmas tree is beautiful. Mayor Dickinson said there have been two donations to assist with buying colored lights. Council member McDonald said the next committee meeting will be on January 23, 2017.

14. Report of David Tollett – Planning Commission Liaison

Council member Tollett had nothing to report.

15. Report of David Tollett – Police and Security Committee

The minutes of the November 21, 2016, meeting were approved. Recorder Arnold inquired about the membership on this committee. Mayor Dickinson said she had been attending the committee meetings to help Council member McDonald who has been unable to attend. Council member McDonald said she is trying to arrange the schedule so that she can attend more regularly. Council member Tollett said the garbage and refuse ordinance was being reviewed by legal counsel and the Committee would finalize the draft in January in order for the Town Council to review it at the February meeting. He said the next Committee meeting will be January 26, 2017, and the next code section to be reviewed is Chapter 10 - Motor Vehicles.

16. Report of Patricia Dickinson – Chair, Streets and Utilities Committee

There was nothing to report.

17. Report of Patricia Dickinson – Chair, Personnel Committee

The Mayor announced that Recorder Arnold is now the Chair of the Personnel Committee.

18. Other-Officials authorized to expend Town funds

Council member Kitselman said at the November meeting, there had been a discussion about individual members of Council contacting the Town Attorney, and at the time he had expressed his concern about the issue. He said when this happens, costs are incurred, so you have one member incurring costs without any agreement by other Town Council members, and the other members may not even know what opinions are sought or received. He proposed the Council adopt a policy that would provide for only the Town Manager to seek an opinion when he or she deems necessary or upon direction from the majority of Council, providing that if the opinion being sought may involve the Town Manager in a way that he or she may not be involved, the Chairman of the Personnel Committee is authorized to seek opinions in these instances. He said all the Council members should be informed, and no one person on Council can create policy or meet with people that are before the Town and he is concerned about the issue.

Recorder Arnold said the chain of command is necessary and staff needs to know what is going on. He said the Council may be seeking an opinion when staff already knows the answer. He said staff should keep the Council informed about issues. Council member McDonald asked if costs had been incurred. Mayor Dickinson said she has contacted the attorney three times. Council member McDonald said she would like to see the invoices if she is allowed to do so.

The Mayor said she did not know if any other members have contacted Mr. Mitchell, but it is permitted for any member of Council to do so saying there is nothing in any local or state code to prevent members from seeking legal advice.

Council member Kitselman said going forward he would like to see the Council adopt a policy wherein all attorney consultation goes through the Town Manager. Council member McDonald agreed with the idea of such a policy citing budget reasons. Council member Gibson asked the Mayor if she was opposed to going through the Town Manager. The Mayor said that in most instances she would not be opposed, but that she would be uncomfortable not having someone as a support where she could get guidance. Council member Kitselman said he would prefer to see all requests go through the Town Manager unless he was the subject of the inquiry. Council member McDonald said if a member calls the attorney when another member or staff already knows the answer, it is a waste of money. Council member Gibson said it is important for all the council members to be informed of communications, and she is in favor of a mutually agreed on process.

By consensus, it was decided that Mr. Dalton will draft an agreement for the Council to review. There was discussion of having the Town Attorney review the policy. Council member McDonald wanted to know the fee for the policy review.

There was discussion of sending Recorder Arnold's study topic to the Planning Commission. He said his concern is the services which are needed by seniors. Ms. Dunkle said the Planning Commission can review the current zoning in relationship to senior housing, saying medical offices are in demand. By consensus, the Council decided to ask the Planning Commission to study the nursing home and assisted care numbers.

19. Adjourn

There being no other business, upon motion of Council member Tollett, seconded by Council member Gibson, the meeting was adjourned at 9:26 p.m.

Harry Lee Arnold, Jr., Recorder

Ann W. Phillips, Town Clerk